

From: [Moore, Gary](#)
To: [Dougherty, Joel](#)
Subject: Falcon Refinery
Date: Friday, April 05, 2013 4:36:03 PM

Joel:

This is a site where I am overseeing a PRP cleanup under CERCLA. The site is an old refinery that has been out of business since about 1990 and the tanks have been used off and on for storage of primarily oil with some oil that contained vinyl acetate. A portion of the cleanup is to remove/dispose of materials within the various tanks. Primarily accumulated oil, rainwater and tank bottoms. Currently none of the tanks are in good repair based upon API inspections.

I am curious if there would be any RCRA issue if I decided to allow the company to refurbish tanks and then relocate the liquids/tank bottoms to a refurbished tank until they are capable of disposing of those materials at a pace that they could afford to do so. I suppose that my question would be do you know of anything in RCRA that would not allow me to authorize this actions (ie. 90 day rule)?

I am not sure if the 90 day rule would apply because I suppose that the generator has not yet made that classification but is this accurate?

Thanks for your help,
Gary Moore

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